United States Patent and Trademark Office

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/817,225	03/27/2001	Nobuhiro Azuma	1614.1157	7935

21171 7590 01/19/2005		EXAMINER	
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WASHINGTON, DC 20005		3629	

DATE MAILED: 01/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>05 November 2004</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-4_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-4_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☒ Certified copies of the priority documents have been received in Application No. <u>09/817,225</u>.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11-05-

2004 has been entered.

Response to Amendment

The amendment filed 11-07-2004 have been entered.

Claim Rejections - 35 USC § 112

2.   Claims 1, 2 and 4 rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

In claim 1, element (c) of "unit receiving accuracy information … business

information … are accurate" is vague and indefinite. An accuracy information cannot

verify the information itself is accurate.

In claim 2, step (a) of "receiving accuracy information … information items are

accurate" is vague and indefinite. An accuracy information cannot verify the information

itself is accurate.

In claim 4, step (a) of "the computer …receiving accuracy information …

information items confirmed to be accurate" is vague and indefinite. An accuracy

information cannot verify the information itself is accurate.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed
> publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

5.   **Claims 4, 2, 1 and 3 are rejected under 35 U.S.C. 102(a) as anticipated by or,**

in the alternative, under 35 U.S.C. 103(a) as obvious over STOREY (US Patent

6,009,412).

        As for independent Method claims 4 and 2, which have similar limitations,

STOREY discloses a method for managing a number of points attributed to registered

(or enrolled) members of a group in accordance with registered member point files

stored in a computer connected to a network, comprising:

(a) the computer connected to the network (or online or Internet) receiving

accuracy information (or matching or correct information) from a user terminal

connected to the electronic network, confirming the information to be correct (or

matching the stored information); and

(b) adding or incrementing a number of points in the registered member point file

of the registered member supplying information, for each of the plurality of items

confirmed to be accurate (see Fig. 2, 170. 180E, 190, 200, col. 1, lines 60-67 (or c1:60-

67), c2:60-67, c5:1-60, c7: 60-67, c8:1-9). As for the limitation of receiving the

information from a user terminal, this is taught in c5:1-10 wherein the user feeds in a lot

of information from his terminal to the on-line network. Note, that the term "user" is

broad and could include any one who uses the system or element of Fig. 2.

Alternatively, since the method is carried out online or on the Internet, the use of

computer to connect to the network is inherently in Fig. 2 of STOREY or would have

been obvious to install them to allow the accessing and functioning on the Internet.

Alternatively, the selection of other business deal information or the change in

the type of information or selection of other similar type of business information would

have been obvious to a skilled artisan as mere using other similar/equivalent business

information to achieve similar results, absent evidence of unexpected results.

As for Independent apparatus claims 1 and 3, which have similar limitations,

STOREY discloses a business information managing system of registered/enrolled

members comprising:

member containing a plurality of items over the electronic network {see Fig. 2, 130,
150P, 170, 180E, c5:1-45},

(b) a registered member point file formed in a part of the computer, the registered
member point file managing points attributed to each of the registered member {see
c5:45-55},

(c) a confirmation information reception unit formed in a part of the computer, the
confirming unit confirm the accuracy of information sent from user terminals by
registered members {see c7:60-67, c8:1-8}, and

(d) a point accumulation unit connected to the network, said point
accumulation unit adjusting points earned by registered members based on whether
information sent fro user terminal by registered member is confirmed by the
confirmation information reception unit {see Fig. 2, 190, 200, 210}. As for the limitation
of receiving the information from a user terminal, this is taught in c5:1-10 wherein the
user feeds in a lot of information from his terminal to the on-line network. Note, that the
term "user" is broad and could include any one who uses the system or element of Fig.
2. Alternatively, since the method is carried out online or on the Internet, the use of
computer to connect to the network is inherently in Fig. 2 of STOREY or would have
been obvious to install them to allow the accessing and functioning on the Internet.

Alternatively, the selection of other business deal information or the change in
the type of information or selection of other similar type of business information would
have been obvious to a skilled artisan as mere using other similar/equivalent business
information to achieve similar results, absent evidence of unexpected results.

Conclusion

6.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

    1) US 2001/0037241 (Puri) is cited to teach system and method for providing E-

commerce based on reward currency.

    2) US 2001/0054003 (Chien et al) is cited to teach system and method for using

loyalty points.

    3) US 2003/0158960 (Engberg) is cited to teach system and method for

establishing a <u>privacy communication path</u>.

7.   Telephone inquiries regarding the status of applications or other general
questions, by persons entitled to the information, should be directed to the group clerical
personnel and not to the examiner. As the official records and applications are located
in the clerical section of the examining Tech Center, the clerical personnel can readily
provide status information without contacting the examiner. See MPEP 203.08. The
Tech Center clerical receptionist number is (703) 308-1113.
       Or http://pair-direct@uspto.gov.

       In receiving an Office Action, it becomes apparent that certain documents are
missing, e. g. copies of references, Forms PTO 1449, PTO-892, etc., requests for
copies should be directed to Tech Center 3600 Customer Service at (703) 306-5771, or
e-mail CustomerService3600@uspto.gov .

       Any inquiry concerning the merits of the examination of the application should be
directed to Dean Tan Nguyen at telephone number (703) 308-2053. My work schedule
is normally Monday through Friday from 7:00 am through 4:30 pm.

       Should I be unavailable during my normal working hours, my supervisor John
Weiss may be reached at (703) 308-2702. The FAX phone numbers for formal
communications concerning this application are (703) 305-7687. Informal
communications may be made, following a telephone call to the examiner, by an
informal FAX number to be given.

dtn
January 12, 2005

DEAN T. NGUYEN
PRIMARY EXAMINER